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**OFFICE OF PETITIONS**

In re Application of :  
Masami Tomita et al :  
Application No. 10/607,014 :  
Filed: June 27, 2003 :  
Attorney Docket No. 239544US2 :

ON PETITION

This is a decision on the petition filed December 12, 2005, which is being treated as a petition under 37 CFR 1.313(a), to withdraw the above-identified application from issue.


The petition is **DISMISSED AS MOOT**.

A review of the file record discloses that a Notice of Allowance was mailed September 12, 2005, with the issue fee being due on or before December 12, 2005. The issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of a RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. Note MPEP 706.07(h)(IX).

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3210.

The matter is being referred to Technology Center AU 1756 for appropriate processing of the RCE filed December 12, 2005, and for consideration of the concurrently filed Information Disclosure Statement.

  
Irvin Dingle  
Petitions Examiner  
Office of Petitions